

Translation

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PATENT COOPERATION TREATY



PCT

10/532558

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M/STG-020-PC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/012101	International filing date (day/month/year) 30 October 2003 (30.10.2003)	Priority date (day/month/year) 31 October 2002 (31.10.2002)
International Patent Classification (IPC) or national classification and IPC F24F 11/00		
Applicant STEGO-HOLDING GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 27 May 2004 (27.05.2004)	Date of completion of this report 22 March 2005 (22.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/012101

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages 1-12, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages 1-17, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages 1/1, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/12101

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims		YES
	Claims	1-6, 9-10, 16, 17	NO
Inventive step (IS)	Claims		YES
	Claims	7-8, 11-15	NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: US-A-3 992 598

D2: DE 27 44 901 A

2. The present application does not satisfy the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

Document D1 discloses in column 2, line 40 to column 3, line 42 and figures 1-3 (the references in parentheses are to D1):

a device for monitoring an air volume flow rate (31), in particular of fans, said device having a vane mechanism (17), the position of which with respect to a mounting can be changed by a retention force FM; an air stream (31) that is to be monitored flows against the vane mechanism (17) in order to change its position; magnet devices (24) are provided to generate a magnetic field that is dependent upon the position of the vane mechanism (17); detection means are provided to detect a magnetic field; measuring means (14) are provided to generate a measuring signal that is dependent upon the magnetic field; and

the magnetic field forms at least part of the retention force FM.

3. Dependent claims 2-17 do not contain any features that, in combination with the features of any claim to which they refer back, meet the PCT requirements for novelty and inventive step; see document D1 and the corresponding passages cited in the search report.

Claims 2-6, 9-10, 16 and 17 are known from document D1.

Claim 7: a larger portion of the surface - the use of a larger portion of the surface (instead of additional weight) as a counterweight is based on known principles or mechanics that an engineer applies in the course of daily activity in the field without thereby exercising inventive skill.

Claim 11: Document D2 discloses (see page 7, lines 13-20 and page 8, lines 8-13) a device for monitoring an air volume, the retention force being adjustable by means of adjusting mechanisms (27, 28, 29).

Claim 12: The fact that additional elements are placed in the magnetic field in order to increase the magnetic retention force seems obvious to a person skilled in the art and thus does not appear inventive.

Claim 13: Adjusting the magnetic retention force by changing the distance is known from document D2.

4. Paragraph on page 11 (lines 9-12) "essential to the invention" - It is not clear from the content of the description of the invention that all of the parts of

the device are essential to the invention. The second paragraph on page 11 thus appears to contain an inconsistency in this regard (PCT Article 6) and should be deleted.

- 4.1. Claims 8, 14 and 15 are not supported by the description (PCT Article 6).
- 4.2. Claims 1-8 do not include any basis for the back reference to "the reed contact switch" in claim 13. Claim 1 does not include any basis for the back reference to "to the permanent magnet" in claim 13.
- 4.3. Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 or indicate the relevant prior art disclosed therein.